



41

1651

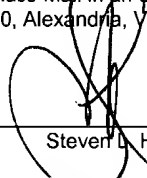
FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

SHIGHLANDER@FULBRIGHT.COM
PARTNER
DIRECT DIAL: (512) 536-3184

TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

March 16, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<u>March 16, 2004</u> Date	 _____ Steven L. Highlander

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Serial Number 09/609,301 entitled "NOVEL METHODS FOR LYMPH NODE IDENTIFICATION" by Donald L. Morton
Our ref: JWCI:031US

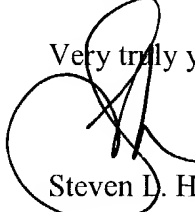
Commissioner:

Enclosed for filing in the above-referenced patent application is:

1. Declaration of Donald L. Morton Under 37 C.F.R. § 1.132;
2. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/JWCI:031US/SLH.

Very truly yours,


Steven L. Highlander

SLH/cpj
Encl: As noted

25395806.1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Donald L. MORTON

Serial No.: 09/609,301

Filed: June 30, 2000

For: NOVEL METHODS FOR LYMPH NODE
IDENTIFICATION

Group Art Unit: 1651

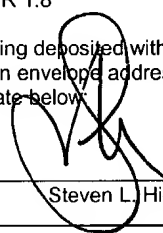
Examiner: S. Saucier

Atty. Dkt. No.: JWCI:031US/SLH

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

March 16, 2004
Date


Steven L. Highlander

DECLARATION OF DONALD L. MORTON UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-01450

I, Donald L. Morton, do declare that:

1. I am a United States citizen residing at 1374 Bella Oceana Vista, Pacific Palisades, California.
2. I am the Donald L. Morton named as an inventor on the above-captioned application.
3. I am the Donald L. Morton named as a coauthor on Lucci *et al.*, "Carbon dye as an adjunct to isosulfan blue dye for sentinel lymph node dissection," *Surgery*, 126:48-53 (1999).

4. Anthony Lucci and Roderick R. Turner, coauthors of the Lucci *et al.* paper, merely provided technical assistance and were acting under my direction with regard to work reported in Lucci *et al.* (1999).
5. Thus, Lucci and Turner are non-inventor co-authors of the Lucci *et al.* paper and clearly did not make a conceptual contribution to the subject matter of that paper, and now claimed herein.
6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/15/04
Date

Donald L. Morton
Donald L. Morton, M.D.